



Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor

**Supplemental Legislative Analysis**

**Board of County Commissioners**

June 20, 2006  
9:30 AM  
Commission Chamber

Charles Anderson, CPA  
Commission Auditor

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Miami, Florida 33128  
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**BCC Legislative Analysis & Notes**  
**June 20<sup>th</sup> 2006**

	Item No.	Subject Matter	Background	Analysis / Comments / Questions	LA
		Prepared by:	Bia Marsellos (BM) Troy Wallace (TDW) Jason T. Smith (JTS)	Mia Marin (MBM) Elizabeth Owens (ENO) Tim Gomez (TG)	If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Esq., Chief Legislative Analyst, at (305) 375-5469.
1.	4(A)	Ordinance pertaining to Zoning; Amending Section 33-7 (Minimum Lot Areas and Yards) of the Code of Miami-Dade County	<ul style="list-style-type: none"> <li>Proposed Ordinance pertains to single-family and duplex use of certain lots <b>created prior to August 2, 1938</b>, that do not meet current zoning regulations. <ul style="list-style-type: none"> <li>Current zoning regulations require: <ul style="list-style-type: none"> <li>Minimum lot width of 75 ft.; and</li> <li>Lot area of 7,500 sq. ft.</li> </ul> </li> </ul> </li> <li>Proposed Ordinance provides further relief for these lots allowing for duplex use in zoning districts RU-2, RU-3 or RU-3B to combine two or more lots to provide a lot of at least 50 ft. in width and at least 5,550 sq. ft. of lot area.</li> <li>No fiscal impact.</li> </ul>	<ul style="list-style-type: none"> <li>Currently, §33-7 for duplex use <u>does not</u> allow 2 or more lots to be combined to provide at least 50 ft. in width and 5,550 sq. ft of lot area.</li> </ul>	ENO
2.	4(B)	Proposed Zoning Ordinance Establishing the Cutler Ridge Metropolitan Urban Center District (CRMUCD) Regulations	<ul style="list-style-type: none"> <li>Creates §33-284.99.23 – 33-284.99.30 of the Code, CRMUCD Regulations.</li> <li>Cutler Ridge Metropolitan Urban Center (CRMUC) boundaries: <ul style="list-style-type: none"> <li>East – Homestead Extension of the Florida Turnpike</li> <li>South – Black Creek Canal</li> <li>West – U.S. 1/South Miami-Dade Busway corridor, including properties on both sides of the corridor</li> </ul> </li> <li>CRMUC encompasses the area of the Southland Mall and the South Miami-Dade Government Center.</li> <li>Important Dates <ul style="list-style-type: none"> <li><u>April 13, 2004</u>, BCC adopted Resolution No. R-438-04, accepting the Downtown Cutler Ridge Charrette Report</li> </ul> </li> </ul>		ENO

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			<ul style="list-style-type: none"> <li>○ <u>Nov. 8, 2005</u>, Town of Cutler Bay incorporated (portions of CRMUCD included in municipality)</li> <li>○ <u>April 6, 2006</u>, Town Council adopted Urban Center District Land Development Regulations ordinance (contains municipal portion of CRMUCD)</li> <li>○ <u>July 2006</u>, Town of Cutler Bay to conclude rezoning process.</li> <li>○ <u>Following adoption of CRMUCD by BCC, rezoning application will be presented to the Board.</u></li> <li>● No fiscal impact.</li> </ul>		
3.	4(C)	Ordinance amending Section 2-704 relating to the Miami-Dade County Flood Management Task Force	<ul style="list-style-type: none"> <li>● This Ordinance provides an amendment to section 2-704 of the Miami-Dade County, granting the Miami-Dade County Water and Sewer Department one (1) representative appointment to the Miami-Dade County Flood Management Task Force.</li> <li>● This Ordinance also calls for an amendment to section 2-704, expressing the Task Force shall study, investigate, and analyze all issues concerning water re-use.</li> </ul>		TDW
4.	4(D)	Amending the County Code regarding Initiative petitions, referendum and recall petitions— Verification of signatures; disqualification of non-complying petitions (Sec.12-23)	<ul style="list-style-type: none"> <li>● To include provisions that prohibit improper signature gathering practices</li> <li>● This would make it unlawful for any person or entity to intentionally make or cause to be made any false statement concerning the contents or effect of any petition for initiative, referendum or recall</li> </ul>		MBM
5.	4(E)	Street Lighting Special Tax District	<ul style="list-style-type: none"> <li>● Borek Multipurpose Maintenance</li> <li>● <b>District 8</b></li> </ul>		MBM

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	4(F)	Street Lighting Special Tax District	<ul style="list-style-type: none"> <li>• Crestview West Multipurpose Maintenance</li> <li>• <b>District 9</b></li> </ul>		
	4(G)	Street Lighting Special Tax District	<ul style="list-style-type: none"> <li>• Vanessa – Zoe Villas Multipurpose</li> <li>• <b>District 6</b></li> </ul>		
	4(H)	Street Lighting Special Tax District	<ul style="list-style-type: none"> <li>• Eureka Estates</li> <li>• <b>District 9</b></li> </ul>		
	4(I)	Street Lighting Special Tax District	<ul style="list-style-type: none"> <li>• Villas at the Renaissance Multipurpose Maintenance</li> <li>• <b>District 8</b></li> </ul>		
	5(A)- 5(A)(1)	Street Lighting Special Tax District	<ul style="list-style-type: none"> <li>• Paradise Homes</li> <li>• <b>District 9</b></li> </ul>		
	5(B)- 5(B)(1)	Multipurpose Maintenance and Street Lighting Special Tax District	<ul style="list-style-type: none"> <li>• Century Gardens</li> <li>• <b>District 11</b></li> </ul>		
	5(C)- 5(C)(1)	Street Lighting Special Tax District	<ul style="list-style-type: none"> <li>• Prince of Peace</li> <li>• <b>District 12</b></li> </ul>		
	5(D)- 5(D)(1)	Street Lighting Special Tax District	<ul style="list-style-type: none"> <li>• Leti Subdivision Third Edition</li> <li>• <b>District 11</b></li> </ul>		
	5(E)	Multipurpose Street Lighting Special Tax District	<ul style="list-style-type: none"> <li>• Santa Barbara at Homestead</li> <li>• <b>District 9</b></li> </ul>		

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	5(F)- 5(F)(1)	Multipurpose Maintenance and Street Lighting Special Tax District	<ul style="list-style-type: none"> <li>• Parkview Condominiums</li> <li>• <b>District 13</b></li> </ul>		
	5(G)- 5(G)(1)	Multipurpose Maintenance and Street Lighting Special Tax District	<ul style="list-style-type: none"> <li>• Princeton Park</li> <li>• <b>District 8</b></li> </ul>		
6.	4(J)	Amending Section of the County Code relating to vehicles for hire	<p>This ordinance makes the following amendments to Section 31-82 (Q)(5) of the Code of Miami-Dade County relating to vehicles for hire:</p> <ul style="list-style-type: none"> <li>• New licenses issued in the lottery for 20-year drivers may be transferred 3 years after the date of issuance if the driver was 62-years-old at the time of issuance.</li> <li>• New licenses issued in the lottery for 25-year drivers may be transferred 3 years after the date of issuance if the driver was 62-years-old at the time of issuance.</li> </ul>	<p>Currently, a driver who receives a new license in a lottery is prohibited from selling or transferring that license within the 5-year period following the issuance of the license. However, exceptions are allowed under the current Code due to death or incompetency of the for-hire license holder, including an irreversible medical condition such as loss of sight, paralysis or terminal illness.</p> <p><b>Will this resolution be retroactive or does it apply strictly to future taxicab lotteries?</b></p> <p><b>Should this provision be granted to licensees of other for-hire vehicles such as limousine and luxury sedan drivers?</b></p>	JTS
7.	4(K)	Ordinance relating to Community Councils; membership	<ul style="list-style-type: none"> <li>• Amends §20-43 of the Code</li> <li>• Proposed Ordinance would prohibit Community Council member, elected or appointed to fill an unexpired term, to hold over in office if: <ul style="list-style-type: none"> <li>◦ The former council member qualifies for an elected position, and</li> </ul> </li> </ul> <p>The term has expired.</p>		ENO
8.	4(L)	Conflict of Interest/Code of Ethic Ordinance;	<ul style="list-style-type: none"> <li>• Penalty violation fees from \$250 to \$500 for 1<sup>st</sup> violation, 2<sup>nd</sup> and subsequent violations from \$500 to \$1000</li> </ul>		MBM



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		assessed fee increase			
9.	4(M)	Commission on Ethics and Public Trust Code; Timetable amendments for handling complaints	<p>The following section amendments include:</p> <p><u>Sec. (b) Preliminary investigation and public hearing</u></p> <ul style="list-style-type: none"> <li>where a complaint is filed pursuant to <b>subsection (a)(1)</b> the Ethic Commission (EC) will make a probable cause determination within <u>60 days</u> (rather than 45) from the date filed</li> <li>Where a complaint is filed pursuant to <b>subsection (a)(2)</b> the EC will make a probable cause determination within <u>60 days</u> (rather than 90) days from file date</li> <li>Public Hearing request must be made within 60 days of the probable cause determination unless the <u>EC extends the hearing for good cause</u> (rather than respondent granting a continuance)</li> </ul> <p><u>Sec. (p) Public order imposing penalty</u></p> <ul style="list-style-type: none"> <li>EC must issue a finding and public report upon completion of investigation and <u>the public report and final order must include a determination whether violation was intentional or unintentional.</u></li> </ul> <p><u>Sec. (t) Attorneys Fees</u></p> <ul style="list-style-type: none"> <li>Section entitled Attorney Fees to be removed and read as <u>Frivolous or Groundless complaints</u></li> </ul>	<ul style="list-style-type: none"> <li><b>Subsection (a)(1)</b> is when a written complaint is filed by the Inspector General, the Advocate or the State Attorney which alleges a violation within the jurisdiction of the Ethics Commission</li> </ul> <p><b>Subsection (a)(2)</b> is when a written complaint (except) for a complaint filed by the Inspector General, the Advocate or the State Attorney is (i) executed on a form prescribed by the EC (ii) based on substantially upon personal knowledge of the complainant and (iii) signed under oath or affirmation by the complaining person.</p>	MBM
10.	4(N)	Amending Section of the County Code relating to Ethical Campaign Practices	<p>This ordinance amends Section 2-11.1.1 of the Code of Miami-Dade County relating to ethical campaign practices to read:</p> <ul style="list-style-type: none"> <li>The Ethics Commission may conduct an expedited proceeding when a complaint is filed within 50 days of an election.</li> <li>No complaint may be filed with the Ethics Commission 5-</li> </ul>		JTS



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			<p>days preceding an election.</p> <p>Expedited proceedings will be governed by an Administrative Order adopted by the Board of County Commissioners.</p>		
11.	4(O)	Proposed Zoning Ordinance establishing the Perrine Community Urban Center District Regulations (PECUCD)	<ul style="list-style-type: none"> <li>Creates §33-284.99.6 - 33-284.99.13 of the Code, PECUCD Regulations.</li> <li>The Perrine Community Urban Center is located around the South Dade Busway stops at Banyan, Indigo and SW 184<sup>th</sup> Streets.</li> <li>Jan. 11 – 17, 2003, Perrine Charrette held.</li> <li><u>Following adoption of PECUCD by BCC, rezoning application will be presented to the Board.</u></li> </ul> <p>No fiscal impact.</p>		ENO
12.	5(H)	Plats	<ul style="list-style-type: none"> <li>Sumerville Villas</li> <li><b>District 8</b></li> </ul>		MBM
	5(I)	Plats	<ul style="list-style-type: none"> <li>Bonita Grand Estates South</li> <li><b>District 8</b></li> </ul>		
	5(J)	Plats	<ul style="list-style-type: none"> <li>Moody Drive Homes</li> <li><b>District 9</b></li> </ul>		
	5(K)	Plats	<ul style="list-style-type: none"> <li>Mansions at Sion</li> <li><b>District 11</b></li> </ul>		
	5(N)	Plat	<ul style="list-style-type: none"> <li>Flagler Station Hotel</li> <li><b>District 12</b></li> </ul>		
	5(O)	Plat	<ul style="list-style-type: none"> <li>BHM East Campus Expansion</li> </ul>		



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	5(P)	Plat	<ul style="list-style-type: none"> <li>• <b>District 8</b></li> <li>• Ray Hyman and Joanne Hyman</li> <li>• <b>District 9</b></li> </ul>		
	5(Q)	Plat	<ul style="list-style-type: none"> <li>• Willie R. Jackson, Jr. and Shellie K. Ransom</li> <li>• <b>District 2</b></li> </ul>		
	5(R)	Plat	<ul style="list-style-type: none"> <li>• Lake Frances Subdivision</li> <li>• <b>District 9</b></li> </ul>		
13.	5(L)	Co-designation	<ul style="list-style-type: none"> <li>• N.E 135<sup>th</sup> Street east of Biscayne Blvd as <u>Arch Creek East Blvd</u></li> <li>• District 4</li> </ul>		MBM
	5(M)	Co-designation	<ul style="list-style-type: none"> <li>• Portion of Monroe Street from SW 152<sup>nd</sup> Street to Carver Drive as <u>Robert C. McKay Jr. Street</u></li> <li>• District 9</li> </ul>		
	5(S)	Co-designation	<ul style="list-style-type: none"> <li>• N.W 17<sup>th</sup> Ave from N.W 62<sup>nd</sup> Street to N.W 95<sup>th</sup> Street as Reverend <u>George E. McRae Avenue</u></li> <li>• District 2</li> </ul>		
	5(T)	Co-designation	<ul style="list-style-type: none"> <li>• S.W. 179<sup>th</sup> Street from S.W 107<sup>th</sup> Ave to S.W 102<sup>nd</sup> Ave as <u>Reverend Joe L. Sumpter Sr. Street</u>.</li> <li>• District 9</li> </ul>		
14.	7(A)	Ordinance providing for RU-RH, Rowhouse District	<b>Please see table on Page 15</b>		ENO





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15.	11(A)(1)	District 8 Reserve Funds	<ul style="list-style-type: none"> <li>Reserve/Office funds totaling \$60,000</li> </ul>		MBM
16.	11(A)(2)	Resolution establishing a Housing Linkage Program Task Force	<p>Resolution allows for the creation of a task force to determine the feasibility of commercial and industrial development to share in the burden of supplying workforce housing.</p> <ul style="list-style-type: none"> <li>To consider any and all solutions in the development of workforce housing units concurrent with commercial development, industrial development and other non-residential development, and/or</li> <li>To consider the assessment of a fee on new commercial and industrial and other non-residential developments</li> <li>11 members appointed by the County Manager to report to BCC on or before Dec. 12, 2006 with specific recommendations on the housing linkage program.</li> </ul>	Rational being that the housing supply shortage and the geographic distance between jobs and available housing impacts not only the residential development industry but also the commercial and industrial development industry.	ENO
17.	11(A)(3)	Resolution urging municipalities to adopt zoning regulations & administrative processes to require private developers to construct workforce housing units	<ul style="list-style-type: none"> <li>Directs County Manager to engage municipalities in a dialogue in an effort to develop zoning regulations and administrative processes for workforce housing units.</li> <li>County Manager and Directors of Miami Dade Housing Agency and Department of Planning and Zoning directed to meet with the Dade League of Cities to educate municipalities on the current workforce housing crisis and upon their request to assist in the development of legislation.</li> </ul>	Item was amended at the June 7 <sup>th</sup> INLUC meeting to change tone of direction (“urging” municipalities replaced with “engaging” them).	ENO
18.	12(A)1	Ratification of the County Manger’s Actions Authorizing Capital Improvement Contracts in Accordance with the County’s Expedite Ordinance for the months	<p>Section 2-8.2.7 of the Code of Miami-Dade County allows for the County Manager to Award and Adjust contracts for projects that are included in the Annual Capital Improvements Budget.</p> <p>This item accounts for:</p> <ul style="list-style-type: none"> <li>5 Contract Awards totaling \$14,326,549</li> <li>3 Bid Rejections</li> </ul>	<p>Contract Award # 3 accounts for an increase from \$1,972,350 in the original estimate to an award of \$2,740,128 (<b>approx. 40% more than the original estimate</b>)</p> <p>Contract Award # 4 accounts for an increase from \$1,648,433 in the original estimate to an award of \$2,110,699 (<b>approx. 40% more than the original estimate</b>)</p>	TG

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		of February, March, & April	<ul style="list-style-type: none"> <li>4 Contract Amendments and/or Change Orders</li> </ul>	<p>Contract Award # 5 accounts for an increase from \$4,805,389 in the original estimate to an award of \$6,077,322 (<b>approx. 25% more than the original estimate</b>)</p> <p>Bid Rejection # 1 is requested because both bids ranged from 26% to 42% over the original estimate.</p> <p>Bid Rejection # 2 is requested because the lowest bidder was more than 95% over the original construction cost estimate.</p> <p>Bid Rejection # 3 is being requested because the Notice to Professional Consultants (NTPC) did not appropriately address the County's need for services.</p>	
19.	12(A)(2)	Consent Order (OGC File No. 04 -0505) between Miami-Dade County and the Florida Department of Environment Protection relating to unauthorized wastewater	<ul style="list-style-type: none"> <li>This Resolution authorizes the execution of a settlement agreement mandated in the Consent Order between Miami-Dade County's Water and Sewer Department (MDWASD) and the Florida Department of Environmental Protection (FDEP) for unauthorized wastewater discharges occurring between December 31, 2002 and January 19, 2006.</li> <li>MDWASD recommends paying the civil penalties in lieu of the option to implement an in-kind project.</li> </ul>	<ul style="list-style-type: none"> <li>The County was provided the opportunity to settle by: <ul style="list-style-type: none"> <li>Paying civil penalties in the amount of \$150,300 and reimbursing FDEP for administrative cost in the amount of \$15,030 for a total of \$165,303.</li> </ul> <p style="text-align: center;"><u>OR</u></p> <li>Implementing an in-kind project in the amount of one and one-half times the amount of the civil penalty, \$225,450. (MDWASD was not able to identify a project within the allotted amount.)</li> </li></ul>	TDW
20.	12(A)(3)	Consent Order (OGC File No. 04 -0505) between Miami-Dade County and the Florida Department of Environment Protection and Miami-Dade County's Water and Sewer	<ul style="list-style-type: none"> <li>This Resolution authorizes the execution of a settlement agreement mandated in the Consent Order between Miami-Dade County's Water and Sewer Department (MDWASD) and the Florida Department of Environmental Protection (FDEP) for the unauthorized operation of aquifer storage and recovery (ASR) wells in injection mode.</li> </ul>	<ul style="list-style-type: none"> <li>The County was provided the opportunity to settle by: <ul style="list-style-type: none"> <li>Paying civil penalties in the amount of \$247,100 and reimbursing FDEP for administrative cost in the amount of \$35,000 for a total of \$282,100.</li> </ul> <p style="text-align: center;"><u>OR</u></p> <li>Implementing an in-kind project in the amount of \$370,650.</li> </li></ul>	TDW



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		Department related to Unauthorized Operation of the County's Aquifer Storage and Recovery Wells	<ul style="list-style-type: none"> <li>• Authorization by FDEP is required prior to ASR well injection.</li> <li>• In January 2002, MDWASD operated the ASR wells in injection mode for approximately 25 days while testing the condition of equipment that had been inoperable since 1999.</li> <li>• In March 2002, FDEP issued MDWASD a "Notice of Non-Compliance" for operating the ASR wells without written authorization.</li> <li>• WASD recommends settlement by implementing the in-kind project in lieu of the option to pay civil penalties.</li> </ul>	<ul style="list-style-type: none"> <li>• The in-kind project consists of various geophysical tests during the construction of new ASR wells proposed for Hialeah/Preston Water Treatment Plants. The test will provide the County with valuable information regarding the Floridian Characteristics to aid MDWASD with the construction of future water supply wells and water treatment plants.</li> </ul>	
21.	12(A)4	Settlement Agreement between Miami-Dade County and Lotspeich Company, Inc., for Interior Finishing work done on the North Terminal Project ant Miami International Airport.	<p>In June 2005, Miami-Dade County assumed responsibility for the North Terminal Project (NTP) from American Airlines (AA).</p> <p>American Airlines in turn terminated their contract with Turner Austin Airport Team (Turner) as construction manager.</p> <p>Lotspeich had a claim for \$1,713,572 against Turner for work done in accordance with project 793F.</p> <p>Alpha in conjunction with the MDAD Owner's Review Board negotiated a settlement claim with Lotspeich for \$1,041,396.</p> <p>When the County assumed control of the NTP, the County became responsible for open claims against AA and Turner.</p> <p>The County contracted with Alpha Corporation to assist in sorting</p>	<p>Via Resolution R-130-06, the Board of County Commissioners has requested that all "Sub-Contractors" sign off on a claim prior to the County executing said claim with the Prime Contractor.</p> <ul style="list-style-type: none"> <li>• MDAD has stated that all signatures required from sub-contractors have been acquired in order to execute this settlement with Lotspeich.</li> </ul>	TG



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			out and settling open claims.			
22.	14(A)(1)	Allocation of \$1,160,000 from Surtax Funds to Santa Clara Apartments	This Resolution allocates \$1,160,000 of Surtax funds to Santa Clara Apartments II, Ltd. The Santa Clara Apartments development, located in District 3, was developed by The Carlisle Group and is fully leased. The development consists of 204 mixed income rentals housing families earning 30%-60% of the area median income.	<ul style="list-style-type: none"><li>This development was awarded \$2 million of Surtax 2005 funds. The Affordable Housing Advisory Board approved this recommendation at its November 9, 2005 meeting. <b>Why has it taken so long to come before Committee?</b></li><li>The funding gap was created by hurricane related construction delays and higher construction costs. This development was impacted by 5 hurricanes.</li><li><b>Staff is currently compiling information regarding available Surtax funds and uses.</b></li></ul>	BM	
23.	14(A)(6)	2005-2008 Collective Bargaining Agreement between the County and the Transport Workers Union, Local 291	<p><b><u>Wages:</u></b> 1<sup>st</sup> &amp; 2<sup>nd</sup> years 3% wage increase; 3<sup>rd</sup> year 4% wage increase</p> <p><b><u>Night Shift Pay Differential:</u></b> Effective July 2007, the night shift pay differential for bargaining unit employees who work between 7:00 pm and 8:00 am will increase from the current \$.60 p/h to 5% above the base hourly rate.</p> <p><b><u>Instructor Premium Pay:</u></b> Effective July 2007, the premium pay provided to bargaining unit employees providing instruction to trainees, primarily bus operators and train operators, will increase from the current \$.35 p/h to one (1) pay step above the base hourly rate.</p> <p><b><u>Uniform Allowance:</u></b> Effective July 2007, the uniform allowance provided to certain bargaining unit employees will increase from the current \$205.00 annually to \$300.00 annually. Effective July 2008, it will increase to \$400.00 annually.</p> <p><b><u>Tool Allowance:</u></b> Effective July 2007, the tool allowance provided to certain bargaining unit employees required to provide their own tools, will increase to \$350.00 (<i>previously \$275.00</i>). Effective July 2008, it will increase to \$450.00.</p> <p><b><u>Probationary Period:</u></b> Effective July 2007, all full-time classified service bargaining unit employees hired, promoted or transferred into bargaining unit classifications will serve a one-year (26 pay periods) probationary period. (<i>Previously and until July 2007, certain</i></p>			BM



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			<p><i>classifications served 4 or 6 month probationary periods.)</i></p> <p><b><u>Work In A Higher Classification:</u></b> Bargaining Unit employees temporarily working in a higher classification will be eligible to receive one (1) pay step increase. Also, the maximum out of class compensation shall be limited to two (2) pay periods unless approved by Dept. Director and ERD. <i>(Previously did not need approval and there was no limitation on the number of pay periods.)</i></p> <p><b><u>Contract Reopening:</u></b> The Union will have the right to request the reopening of negotiations with respect to Article 1.6 Wages only. The County will have the right to reopen the Agreement to discuss issues relating to the implementation of the Enterprise Resource Planning (ERP) for a new countywide Human Resource (HR) System, performance based compensation projects, classification consolidation studies and County Pay Plan redesign.</p>		
24.	14(A)(7)	2005-2008 Collective Bargaining Agreement between the County, the Miami-Dade Fire Rescue Department and the Dade County Assoc. of Firefighters, Local 1403	<p><b><u>Wages:</u></b> 1<sup>st</sup> &amp; 2<sup>nd</sup> years 3% wage increase; 3<sup>rd</sup> year 4% wage increase</p> <p><b><u>Assignment Certification Pay:</u></b> Effective October 2006, Firefighting personnel who are State Certified Emergency Medical Technicians or State Certified Paramedics who do not have Department Paramedic Protocol Certification shall be paid 15% above their regular rate of pay.  Effective October 2006, Firefighting personnel who are State Certified Paramedics and have passed Department Paramedic Protocol Certification shall be paid 20% above their regular rate of pay.</p> <p><b><u>Retirees Health Insurance Program:</u></b> Effective the last pay period in June 2006, Firefighting personnel who retire and separate from County service on or after June 19, 2005 with 25 or more yrs. of Special Risk FRS County service, will be eligible to receive \$60 p/month as a retiree's health ins. supp. For a period of 10 years or until eligible for Medicare whichever is less.  Effective July 2007, this supplement will increase to \$80 p/month.  Effective July 2008, this supplement will increase to \$100 p/month.</p> <p><b><u>Post Employment Health Plan (PEHP):</u></b> The Union will establish a PEHP for employees who are retiring and separating from the County where employees will have the applicable payout of their accrued sick leave placed in a PEHP account. The Union will be solely responsible for obtaining the PEHP provider and administrator for this service. The County will only be responsible for payment of an employee's sick leave into the PEHP selected by the Union. The Union agrees to indemnify and hold the County harmless against any and all claims.  Effective January 2007, upon retirement and separation from the County all bargaining unit employees will have 100% of their</p>		BM



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			<p>applicable sick leave payout transferred to their PEHP accounts. <i>Employees who retire and separate from the County after ratification of this Agreement during the 2006 calendar year, will be eligible to have 50% of their applicable sick leave payout transferred to their PEHP accounts.</i></p> <p><b><u>Retiree Sick Leave Conversion:</u></b> Upon ratification of this Agreement, all retirees with 25 or more yrs. of FRS Special Risk County Service, or reaching age 55; or 30 years or more of FRS Non-Special Risk County Service or reaching age 62; will have the option to make an irrevocable election in the calendar year immediately prior to the calendar year of retirement and separation from the County to have any portion of their accrued sick leave converted to a special leave account that will be paid out in accordance with the terms of the Agreement upon their separation. <i>Sick leave placed in this special leave account will not be eligible to be counted toward average final compensation for FRS.</i></p> <p><b><u>Military Leave:</u></b> Employees will be covered by the provisions of R-157-03 that authorizes the continuation of certain compensation to County employees on active military duty.</p> <p><b><u>Battalion Leave Days:</u></b> The Department agrees to increase the total number of Battalion leave days (<i>currently 39</i>) in the pool available to all operational personnel by 3 additional days upon the establishment of any new Operational Battalion.</p> <p><b><u>Holiday Leave:</u></b> Effective October 2006, the total annual aggregate of all requests for payout of employees' accrued Holiday Leave will be increased from \$100,000 to \$150,000.</p> <p><b><u>Union Representatives:</u></b> Administrative Leave for Association representatives will be increased from 360 hours to 400 hours per month.</p> <p><b><u>Dispatchers:</u></b> Effective the first pay period immediately following ratification of this Agreement, Fire Rescue Dispatchers and Supervisors who are officially designated by the unit supervisor to act in a rank higher than their permanent rank and actually perform said duties shall receive a one-step increase.  Fire Rescue Dispatchers designated by the Dept. to train other employees will receive a one pay step salary supplement for each complete work shift in which active training is performed.  During the term of this Agreement, a labor management committee will form to explore and review alternative work scheduling processes.  The County will conduct a comprehensive study regarding compensation, incentive pay and staffing levels, and agrees to reopen this</p>		



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			<p>Agreement to negotiate with respect to the results of the study.</p> <p><b><u>Contract Reopening:</u></b> The Agreement may be reopened at any time by either party with respect to, Performance Based Compensation Projects, classification studies, or County Pay Plan redesign.  The County will have the right to reopen the Agreement to discuss issues relating to the implementation of the Enterprise Resource Planning (ERP) for a new countywide Human Resource (HR) System.  The Union may request the reopening of negotiations with respect to the Support Specialty Pay Supplement under Article 50.2, if during the term of this Agreement FRS officially designates the classification of Fire Rescue Dispatcher eligible for “Special Risk” retirement.</p> <p><b>The County Manager in his June 7, 2006, Fire Watch Program Memo to the Fire Chief requested a report within 30 days regarding the following concerns:</b></p> <ul style="list-style-type: none"> <li>• <b>Is there another more cost effective and efficient manner to operate, while not jeopardizing the health and public safety of our residents?</b></li> <li>• <b>Examine how other jurisdictions perform fire watch duties and evaluate alternative methods that we might adopt.</b></li> <li>• <b>Consider ways to minimize the use of fire watch by better educating those responsible for building safety.</b></li> <li>• <b>Conduct a thorough review of our systems and process of time use among Fire personnel.</b></li> </ul> <p><b><u>Consideration should be given to revising the Collective Bargaining Agreement that applies to the fire watch program.</u></b></p>		





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**7(A) -- Ordinance providing for RU-RH, Rowhouse District – Prepared by Elizabeth N. Owens**

Section No.	Proposed	Comments
§33-202.4	<b>Purpose and Intent</b> of Rowhouse District: <ol style="list-style-type: none"> <li>1. to create development at pedestrian scale;</li> <li>2. to create streetscape which is convenient and comfortable for walking;</li> <li>3. to form clear edge of public and private buildings;</li> <li>4. to encourage pedestrian interaction between development site and public areas;</li> <li>5. to provide a range of building elevations;</li> <li>6. to provide identity, visual interest &amp; diversity; and</li> <li>7. to provide opportunities for citizens to know their neighbors and watch over their collective security.</li> </ol>	The term “rowhouse” first appeared in the Code with the development of Standard Urban Center District Regulations.
§33-202.5	<b>Defines</b> rowhouse as a one dwelling unit of a group of 3 or more such units, each separated by a solid common party fire wall extending to the roof line or above the roof of the units it serves. Definition includes % that may be developed into two-unit groupings, requirement if units are offset from one another, and requirements for platting.	<u>Question</u> Difference between a rowhouse, a townhouse and a condominium?  <i>Rowhouse differs from a condominium in that most condominiums are apartments, whereas a rowhouse similar to a townhouse is attached to one or more units separated by a common wall sitting upon land owned by the unit owner. With a condominium, the unit owners jointly own the land and this common interest cannot be separated from the others. Rowhouses and townhouses also have common jointly owned land; however, a rowhouse differs in that the parking is in the back of the unit and it can have a detached garage in the back with a habitable space above.</i>
§33-202.6	<b>Permitted uses</b> include: <ul style="list-style-type: none"> <li>▪ permitted uses in RU-1, RU-1M(a), RU-1M(b), RU-2, RU-TH, and RU-3 District</li> <li>▪ no two rowhouse developments within 1000 ft. of each other shall be approved without providing common open space</li> </ul>	
§33-202.7	<b>Development standards</b> (see also §33-202.8): <ul style="list-style-type: none"> <li>▪ min. lot size: 1,250 sq. ft.</li> <li>▪ max. dwelling units: 12 units per net acre.</li> <li>▪ Common open space in the form of greens:               <ul style="list-style-type: none"> <li>○ projects &lt; 1 net acre, 0%;</li> <li>○ projects ≥ 1 net acre 12%</li> </ul> </li> </ul>	Amended at the June 7 <sup>th</sup> INLUC meeting to allow bathroom facilities in private garages if habitable space for occupants.





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	<ul style="list-style-type: none"> <li>○ Greens: min. width of 35ft. &amp; max. length of 270ft. (may be up to 480ft. in length when rowhouse lots directly front green along lateral sides);</li> <li>○ other common open space include recreational areas, sidewalks, water bodies, and tree preservation zones;</li> <li>▪ Grouping length of rowhouses not to exceed 240ft in length.</li> <li>▪ Frontage on Roads or Greens</li> <li>▪ Building height- 40ft max. &amp; 3 stories max.</li> <li>▪ Setbacks <ul style="list-style-type: none"> <li>○ Front – min. of 10ft, no garages or parking spaces</li> <li>○ Rear – min of 5ft.</li> <li>○ Side street – min 10ft. of which 50% of the width unencumbered</li> <li>○ Spacing b/w buildings – 15ft. unencumbered space b/w groupings of rowhouses</li> </ul> </li> <li>▪ Accessory buildings not permitted, except for detached private garages.</li> <li>▪ Private garages <ul style="list-style-type: none"> <li>○ accessed from rear of unit.</li> <li>○ credited toward required parking if covenant prohibiting enclosure to create habitable living space recorded</li> <li>○ detached private garages limited to 2 stories &amp; habitable space for occupants of unit may occur above. No kitchen permitted.</li> </ul> </li> <li>▪ Private open space-300 sq. ft. of outdoor open space – open roofed area, screen enclosures with screened roof, decks, hot tubs, etc. may be credited toward open space requirement.</li> <li>▪ Parking – min. of 2 spaces for each rowhouse unit +.25 space/unit for guest.</li> <li>▪ Landscaping – in accordance with Chp. 18A.</li> <li>▪ Utilities and services – each unit independently served.</li> <li>▪ Additions-homeowners’ assoc. shall review and approve, or deny, additions and exterior modifications.</li> </ul>	
§33-202.8	<p><b>Design standards</b></p> <ul style="list-style-type: none"> <li>▪ Front elevations – <ul style="list-style-type: none"> <li>○ face street or green and contain front door and windows covering at least 15% of front elevation, not including roof.</li> <li>○ utilize at least 2 of the 5 design variations listed.</li> </ul> </li> <li>▪ Front porch and stoop</li> </ul>	



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Section No.	Proposed	Comments
	<ul style="list-style-type: none"> <li>○ Required for 50% of units</li> <li>○ Regulations</li> <li>○ Encroachment into front setback area</li> <li>▪ Street system, right-of-way width, and improvements</li> <li>▪ Street edge according to Public Works manual</li> <li>▪ Alleys permitted at min. of 15ft in width, with a min. 23 ft. of paved surface and 21 ft. clear opening at throat.</li> <li>▪ Pedestrian path <ul style="list-style-type: none"> <li>○ Intersecting paved walkways providing pedestrian passage from street to street and from green to a street</li> <li>○ Provided every 240ft when there is no intervening street b/w building group</li> </ul> </li> </ul>	
§33-202.9	<b>Ownership and maintenance of common open space</b> by property homeowners' association, special taxing district or similar entity.	
§33-202.10	<b>Site plan review</b> performed by the Department of Planning and Zoning (DPZ). Applicant can appeal to the Community Zoning Appeals Board.	
§33-202.11	<b>RU-RH site plan changes</b> authorized by the Director.	
§33-2	Addition of RU-RH-Rowhouse District to the zoning district list.	
§33-25.1	Regulation standards for <b>home office(s)</b> amended to allow the exception of a <b>home office</b> in the habitable space on the second floor of a detached garage on a rowhouse lot in the RU-RH district.	Amended at the June 7 <sup>th</sup> INLUC meeting to allow bathroom facilities in home office(s) (for amendment see §33-202.7(9)(b) Private Garages.
§33-133	<b>Right-of-way plan and minimum width of streets and ways.</b>  Minimum right-of-way width for interior subdivision streets decreased from 50ft. to 47ft.	According to staff, by reducing the standard right-of-way width from 50 ft. to 47 ft. more land is left available to accommodate the density and intensity bonuses allowed under the proposed workforce housing ordinance. <b>This amendment has the effect of changing the standard width of right-of way for local roads in general from 50 ft. to 47 ft. throughout the unincorporated areas of MDC.</b>
§33-203.6	Subsection (A) amended to include RU-RH, rowhouse district, as a permitted use in the RU-3M district.	
§33-207.2	Subsection (A) amended to include RU-RH, rowhouse district, as a permitted use in the RU-4L district.	
§33-208	Subsection (1) amended to include RU-RH, rowhouse district, as a permitted use in the RU-4 district.	
§33-217	Subsection (1) amended to include RU-RH, rowhouse district, as a permitted use in the RU-4A	

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	district.	
§33-223.1	Subsection (1-1) added allowing rowhouse development as specified in the RU-RH, rowhouse district, as a permitted use in the RU-5 district.	

